

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

Southern Division

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GARY BRICE McBAY,

\*

Plaintiff,

\*

v.

\*

Civil Action No.

HARRISON COUNTY, MISSISSIPPI \*

1:07CV1205-LG-RHW

BY AND THROUGH ITS BOARD OF \*

SUPERVISORS, et al., \*

Defendants. \*

COPY  
ORIGINAL

\*\*\*\*\*

VIDEO-RECORDED DEPOSITION OF

MORGAN THOMPSON

August 14, 2009

11:48 a.m. - 12:45 p.m.

Hopewell, Virginia

REPORTED BY: Kurt D. Hruneni, CCR-VA

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1 A Yes, sir.

2 Q Did you request medical evaluation for  
3 injuries that he received from the use of force or from  
4 preexisting injuries?

5 A From the use of force.

6 Q All right. So then the use of force  
7 resulted in Brice having facial swelling and bleeding  
8 from the nose.

9 A Yes, sir.

10 Q And in this booking photograph, which is  
11 page 3 of Exhibit 9, were those the injuries that Brice  
12 received from the use of force by you?

13 A He didn't look like that when I left.

14 Q When you left?

15 A When I left for the shift that evening.

16 Q So he did not look like this after you used  
17 excess -- or after you used force on Brice?

18 A Not the purple and -- no. No, sir.

19 Q Well, then how do you explain how he looks  
20 there?

21 A It very well could have happened when we  
22 got in the fight. But I did not see him look like  
23 that, personally.

24 Q The report, on page 3 of Exhibit 7, says he  
25 -- "McBay appeared intoxicated, but able to follow

1 verbal commands."

2 A Yes, sir.

3 Q You asked him to remove his clothing. He  
4 indicated that he wouldn't "get naked," and took an  
5 aggressive posture towards you with closed fists.

6 Where is this going on? Where is he taking  
7 -- what part of the jail is he in or where is he  
8 located when he's taking this aggressive, closed fist  
9 posture towards you?

10 A In the shower area, where we dress out  
11 everybody.

12 Q "Deputy Thompson moved toward McBay to  
13 employ a soft empty hand control hold. McBay grabbed  
14 Deputy Thompson by the shirt and struck Deputy Thompson  
15 approximately 2 times on the side of the head with a  
16 closed fist."

17 During the attack, you felt you were in  
18 physical danger and returned multiple blows with closed  
19 fists to the head and face area of McBay.

20 A That's not correct. I didn't -- I had Teel  
21 write this report out for me, because I was busy doing  
22 property.

23 Q All right. What's not correct about it?

24 A The soft empty hand control, however he put  
25 it in there. I didn't do that. I had reached out the

1 door to grab clothes. We had a little ledge outside of  
2 the door that we sat all the clothes on.

3 So that way, we could get all their  
4 clothes, check pockets, turn everything inside out, set  
5 it up on one ledge. And then when we had visually  
6 searched them, made them squat and cough and do  
7 whatever, then we would reach out and grab the uniform  
8 and hand it to the inmate so they can get dressed.

9 As I was reaching out the door and looking  
10 away, that's when he caught me in the back of the head.

11 Q And that was in the shower?

12 A Yes, sir.

13 Q And that's where we can't see it on the  
14 camera?

15 A Yes, sir.

16 Q Before you got him into the shower, was he  
17 doing anything physical to you or --

18 A Just -- just verbal.

19 Q Did you have to hit him, strike him, or  
20 take him down at any time before you got into the  
21 shower?

22 A No, sir. No, sir.

23 Q So the problem didn't happen until you got  
24 into the shower.

25 A Right.

1 jumpsuit for him.

2 And when I was turned away, he hit me, back  
3 here around the jaw, right around my ear.

4 Q Had you done anything prior to that to  
5 provoke him doing that?

6 A No. I mean, aside from just throwing  
7 answers like, "Oh, listen to you. You've got little  
8 man syndrome," and all that, you know. Just pretty  
9 much blowing it off.

10 Q Is that the way you'd normally handle  
11 inmates like that?

12 A Yeah.

13 Q Is that to kind of defuse the situation?

14 A Yeah.

15 Q And just so that we're clear. You were  
16 looking in the opposite direction when you got hit in  
17 the head; is that right?

18 A Yeah, yeah.

19 Q Okay. What part of the head did you get  
20 hit on?

21 A He caught me once in the jaw, back here  
22 around my ear.

23 Q Okay. What side are you referring to?

24 A On my left side.

25 Q On your left side. Was it with an open

1 fist or a closed fist?

2 A Closed fist.

3 Q What did it feel like?

4 A Like I got punched. Gave me a ringing in  
5 my ears. I mean, he caught me off guard, so I wasn't  
6 tensed up for it or anything. And it kind of rocked me  
7 back a little.

8 But when I turned back around, he was, you  
9 know, ready to go.

10 Q Was it a light hit or a hard hit?

11 A It was a pretty hard hit. Yeah. A pretty  
12 hard hit.

13 Q What happened after the hit from Mr. McBay?

14 A I turned towards him. He was in a stance,  
15 and he hit me again.

16 Q Where did he hit you again?

17 A I don't remember. I think he caught me in  
18 the head. I'm not sure, I mean.

19 Q With a closed fist or open fist?

20 A Yeah. He was in a boxing stance. He was  
21 ready to go.

22 Q But with a closed fist or an open fist?

23 A Yes. Closed fist.

24 Q Okay.

25 A Closed fist.

1 Q So he's now hit you twice; right?

2 A Right.

3 Q You haven't hit him back yet at this point;  
4 correct?

5 A Not yet.

6 Q What happens after that?

7 A I hit him back. Because he was ready to  
8 go. He was doing a little boxing stance, you know, and  
9 he was getting ready to throw another punch. So I hit  
10 him first.

11 Q Okay. When you say, "He was ready to go,"  
12 what do you mean by that?

13 A Like I said, his fists were up, balled in a  
14 fist. He was, you know, kind of standing off to me,  
15 like a boxer would, I guess.

16 Q Okay. And you said you did what after  
17 that, after he made the stance?

18 A I hit him back.

19 Q At that time, did you feel like you were  
20 trying to defend yourself?

21 A Well, yeah. Because he's getting ready to  
22 hit me again.

23 Q Did he say that, that he was fixing to hit  
24 you again?

25 A No. He didn't say it, but he was postured



1 A We were doing 10- to 12-hour shifts.

2 Q How many days a week?

3 A Any where from five to six days a week.

4 Q And if you were adequately staffed, how  
5 many hours would you be working?

6 A Probably 40, 45 hours a week.

7 MR. BRENDDEL: That's all the questions I  
8 have.

9

10 FURTHER EXAMINATION

11 BY MR. BUCHANAN:

12 Q Just a couple of follow-ups.

13 You said you took him into the shower, you  
14 turned away. And when you turned away, he hit you, and  
15 that surprised you.

16 A Yeah.

17 Q All right. And then hit you again?

18 A Uh-huh.

19 MR. BRENDDEL: You have to say yes or no.

20 THE WITNESS: Yes, yes. I'm sorry.

21

22 BY MR. BUCHANAN:

23 Q And then you had no choice, once he hit you  
24 again, but to hit him with a closed fist to the face.

25 A Yes, sir.